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THE NEXT NUMBER OF THE REVIEW WILL APPEAR IN OCTOBER.

The appointment of the Hon. Jeremiah Smith to the Story professorship must be a cause of satisfaction to all friends of the Law School. Judge Smith comes of an old and well-known New England family; his father, who was Chief Justice and Governor of New Hampshire, and the intimate friend of such men as Fisher Ames and Daniel Webster, was one of the most distinguished men in the history of his State. Judge Smith was born in 1837, graduated at Harvard College in the Class of 1856, and then studied law, spending a year at the Harvard Law School. In 1867, at the age of thirty, and only six years after leaving the Law School, he was appointed a justice of the Supreme Court of New Hampshire. This position he resigned in 1874 on account of ill-health, and he has since practiced law at Dover. He has been a member of the examining committee for admission to the New Hampshire bar, and has lately published for the use of students an admirable list of cases selected from the reports of that State. Judge Smith's very interesting address on the legal profession, recently delivered at the college conference, is fresh in the recollection of all who heard it.

MR. SAMUEL WILLISTON has been appointed Assistant Professor at the Law School. Mr. Williston graduated at Harvard College in 1882 and at the Law School in 1888. In that year he won the Harvard Law School Association prize by an essay on the "History of the Law of Business Corporations before 1800,"[1] and on graduation he was chosen to represent his class in the Commencement exercises. He was private secretary to Mr. Justice Gray, of the United States Supreme Court, in the following year, and since then he has practised law in Boston in connection with the firm of Hyde, Dickinson, and Howe.

A COURSE of lectures on the Law of Damages, by Mr. Joseph Henry Beale, a graduate of Harvard in 1882 and of the Law School 1887, is also announced for next year. Mr. Beale has been for some time assisting in the preparation of a new edition of Sedgwick's Measure of Damages, and is the author of an article on "Tickets" in 1 HARVARD LAW REVIEW, 17, which has attracted much attention.

[1] This essay may be found in 2 Harv. L. Rev. 105, 149.

THE Council of the Harvard Law School Association submits the following report of membership on May 1, 1890. The Association now numbers 1,361 memders (an increase of 398 members since January 1, 1890), representing forty-two States and Territories, and distributed as follows :—

Alabama,	5	Maryland,	16	Tennessee,	5
Arkansas,	3	Massachusetts,	577	Texas,	8
California,	35	Michigan,	15	Utah,	3
Colorado,	13	Minnesota,	19	Vermont,	4
Connecticut,	14	Mississippi,	1	Virginia,	3
Dakota,	3	Missouri,	44	Washington,	5
Delaware,	9	Montana,	2	West Virginia,	4
Dist. Columbia,	24	Nebraska,	3	Wisconsin,	9
Florida,	1	New Hampshire,	16	New Brunswick,	21
Georgia,	7	New Jersey,	22	Nova Scotia,	9
Illinois,	60	New York,	179	British Columbia,	1
Indiana,	11	North Carolina,	2	U.S. of Columbia,	1
Iowa,	10	Ohio,	76	France,	1
Kansas,	2	Oregon,	4	Austria,	1
Kentucky,	16	Pennsylvania,	44	Japan,	2
Louisiana,	3	Rhode Island,	19		
Maine,	28	South Carolina,	1	Total,	1,361

Similar tables may be found in the REVIEW of April, 1888 (Vol. II. p. 43), and of December, 1889 (Vol. III. p. 226).

THE Law Quarterly Review[1] dismisses the case of *Reg.* v. *Collins* with the following rather contemptuous observations : " That a man who puts his hand into your pocket *animo furandi* is not guilty of an attempt to steal if the pocket is empty, savours more of casuistry than common sense. Yet *Reg.* v. *Collins* (9 Cox, C. C. 497) so decided. The Court of Crown Cases Reserved is not ' satisfied' with this decision (*Queen* v. *Brown*, 24 Q. B. Div. 357). Probably no one is but Mr. Bill Sykes. " It may be suggested with great respect that the opinion of Mr. Justice Barrett in *People* v. *Moran*[2] contains arguments which have " satisfied " judges of some eminence, and which do not appear to have been answered in any reported case.

THE Jurist of last November contains a remarkable account of a Swedish trial, in which a medical student sued a doctor for hypnotizing him against his will. The defendant was enterprising enough to follow up his previous offence by hypnotizing all the plaintiff's witnesses and making them contradict themselves and behave in a generally irrational manner ; and this course of action so bewildered the judge that instead of committing the defendant for contempt, a step which would seem to have been quite justifiable under the circumstances,— unless, perhaps, he feared to meet with the same fate as the witnesses,— he adjourned the case for the purpose of calling in medical assistance. The reader cannot but fear that some of the picturesqueness of this anecdote is attributable to the fact that it comes by way of " one of the

[1] VI. 237.
[2] 54 Hun, 279 ; cited in 3 Harv. L. Rev. 375.

evening papers;" yet it is impossible to read Dr. James's interesting paper on the "Hidden Self" in the March "Scribner's" without reflecting on the part which hypnotism may yet play in the law. It is strange to think of our jury system and present judicial machinery applied to some of the many questions which the subject may raise, more especially in the criminal law; but up to the present time it does not seem to have come before the courts of this country.

In France, however, there have been such cases, an account of which, together with a very learned and valuable discussion of hypnotism in its legal aspects, will be found in a recent work of M. Jules Liégeois,[1] Professor of Jurisprudence at Nancy. This book is an elaborate treatment of the subject and contains facts of great importance to medical jurisprudence. The author believes that there are serious dangers in hypnotism with which the law may be called upon to deal, and he gives many striking experiments to show how the hypnotized person may be made the victim of fraud or crime, or may, by means of the post-hypnotic suggestion, be used as a tool in the hands of another.[2] In the latter case, M. Liégeois is of opinion that the law should regard the hypnotizer as the criminal, treating the subject as legally irresponsible.

Among the few occasions when the question has actually come up in court is a remarkable case some twenty-five years ago in which a beggar had enticed from her home, under very peculiar circumstances, the daughter of respectable French peasants. He was arrested, and the magistrate put to two doctors the question whether the accused "could by the influence of magnetic passes have destroyed her moral liberty to such an extent as to give his acts the character of rape." The doctors answered in the affirmative, and at the trial, which resulted in a conviction, other experts were called and testified before the jury to the same effect. M. Liégeois points out that the physicians seem to have imperfectly understood the nature of the "magnetism" of which they testified, but that the circumstances of the case were such as entirely to confirm the theory that the prisoner exercised a hypnotic influence over his victim. The facts of a more recent case, where the memory of a girl convicted of theft was awakened by hypnotism, and it was thus discovered that she had secreted the missing article while in a state of somnambulism, bear a strange resemblance to the main incident of Wilkie Collins's "Moonstone."

In a note appended to the report of a recent criminal case on appeal in one of the Southern States (*State* v. *Baker*, 10 S. E. Rep. 639), the presiding judge takes occasion to protest against the prevailing practice of incorporating into a bill of exceptions, whenever the evidence is brought into question, the stenographer's report of the proceedings in the lower court. It not only, the judge claims, renders the record vague and voluminous, and involves the State and individuals in much unnecessary expense, but it also throws upon the judges

[1] De la Suggestion et du Somnambulisme dans leurs Rapports avec la Jurisprudence et la Médecine Légale. Paris, Octave Doin 1889.

[2] In an article entitled "Hypnotism and Crime" in the April "Forum," Dr. Charcot, who belongs to a different school from M. Liégeois, states his belief that the danger of such a use of the hypnotic suggestion is much overrated; his views seem, however, to be connected with the peculiar doctrines of his school. A treatise on Hypnotism by Dr. Björnström, of Stockholm, recently translated for the Humboldt Library, also contains a readable, though rather thin, chapter on Hypnotism and the Law.

of the higher court a great deal of burdensome and needless labor. That there is reason in the complaint will be admitted when the length of the report of this same case, sent up in a bill of exceptions on the ground that the verdict was contrary to evidence, is stated. It covers eleven hundred and five large pages of print, of which nine hundred and fifteen pages relate to the evidence, and ninety to the examination of jurors, all in the form of questions and answers. With this volume before him, it cannot be wondered that the judge complains. The labor of "fishing up the evidence in fragments from such muddy waters," as a Georgia judge terms it, is no slight task, and consumes much time badly needed for public business. The judge urges that when the motion is for a new trial on the ground that the verdict is contrary to evidence, the bill of exceptions should certify the facts proved and give the entire evidence. He is undoubtedly right, and the only wonder is that the judges confine themselves to complaining, when it would seem as if they had the remedy in their own hands.

A VIVID picture of society in Mississippi before the war is presented in a recent book by Mr. Reuben Davis,[1] the sole survivor of the bar of Mississippi of fifty years ago. It was the Age of Chivalry, and the prosaic rules of the common law were not allowed to interfere with the rules of honor. The result is that many things in this book give our ideas of the majesty of the law a rude shock. Murder seems to have been regarded as rather laudable than otherwise. Mr. Davis resigned his position of District Attorney to avoid prosecuting his friends for killing their fellow-citizens. He defended over two hundred charged with murder, no one of whom was hung. Perhaps this spirit of leniency was fostered by the grand carousal in which the judge and jury participated, which followed an acquittal; but of course the great reason was that every one was expected to kill those with whom he quarrelled, and none would vote to hang another for doing what he himself would have done under the same circumstances. One marvels, however, that the district attorneys did not tire of indicting. Even in the presence of the court the haughty Southerner could with difficulty curb his fiery spirit. Mr. Davis, one of the most courteous, refined, and popular men in the State, tried to cut the throat of a judge for whom he had the highest respect, but whom he thought had fined him unjustly. In a case in which the passion of the spectators became aroused the position of the judge was precarious if his rulings displeased them. We read that a certain ruling as to the admissibility of evidence was received with a storm of indignation by the spectators. "Yells, curses, and even tears attested the fervor of their emotions. The court saw its danger and hastily recalled the witness." We must be careful, however, not to assume that justice was administered after the frontier style. Cases like the above were of course the rare exception. All the technicalities of the common-law pleading were in full force; the law, except in the case of homicide, was effectively administered, and we are assured that fraud and corruption of all kinds were detested.

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[1] Recollections of Mississippi and Mississippians.